

MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

A PROFESSIONAL CORPORATION

www.marshalldennehey.com

1220 N. Market St., 5th Floor, P.O. Box 8888 • Wilmington, DE 19899-8888
(302) 552-4300 • Fax (302) 651-7905

Direct Dial: 302-552-4317

Email: dgriffith@mdwccg.com

PENNSYLVANIA

Bethlehem
Doylestown
Erie
Harrisburg
King of Prussia
Philadelphia
Pittsburgh
Scranton
Williamsport

NEW JERSEY

Cherry Hill
Roseland

DELAWARE

Wilmington

FLORIDA

Fort Lauderdale
Jacksonville
Orlando
Tampa

OHIO

Akron

July 15, 2005

VIA E-FILE

The Honorable Kent A. Jordan
United States District Court
844 King Street
Lock Box 10
Wilmington, DE 19801



Re: Joseph L. Curry v. Dover Police Department and Gregory Hopkins
Our File No.: 19180-01660
C.A. No.: 04-175-KAJ
DOL: 01/13/04

Dear Judge Jordan:

Please accept this correspondence on behalf of Defendant, Officer Gregory Hopkins of the City of Dover Police Department in response to Plaintiff's Submission filed July 5, 2005 entitled, "Sanctions Tort." It is apparent from the submission that Mr. Curry is again challenging the sufficiency of Defendant's discovery responses. However, Mr. Curry does not demonstrate how the discovery responses are deficient. To the contrary, Defendant's June 8, 2005 correspondence to the Court (docket entry 76) outlined this case's discovery history, referencing the substance of defendant's original and supplemental discovery responses to Mr. Curry. In short, Mr. Curry has received responsive answers to his interrogatory questions, every document in the City of Dover Police Department's file concerning Mr. Curry's arrest and the records concerning the arrest of a Reginald Jenkins which Mr. Curry first requested four days prior to when they were provided.

While Mr. Curry appears to suggest that defendant has been "dilatory" with respect to discovery, thereby impeding the timely prosecution of plaintiff's claim, the record reflects that the opposite is true. Mr. Curry has filed no fewer than 9 separate motions (docket entries 1, 11, 32, 37, 38, 50, 53, 71 and 79), only one of which (the Motion to Proceed *in Forma Pauperis*) was granted. He has filed two applications for court-appointed counsel on the basis that he has been denied access to the prison's law library, a position which was rebutted by Deputy Attorney General Aaron R. Goldstein, Esquire in a letter dated May 10, 2005 (docket entry no. 65) outlining Mr. Curry's exhaustive visits to the law library. At the inception of Mr. Curry's May 4, 2005 deposition at the prison, Mr. Curry declined to have his deposition taken, arguing that he was entitled to the appointment of counsel (or the resolution of his Motion) before the deposition could proceed. An impromptu

teleconference with the court, at which time Mr. Curry was directed to answer the deposition questions, was necessary.

Defendant is prepared to proceed in accordance with the November 28, 2004 Scheduling Order (docket entry 47). Under the circumstances set forth above, it is respectfully requested that Mr. Curry's "Sanctions Tort," to the extent that it is considered an application for sanctions, be denied.

Respectfully submitted,


Daniel A. Griffith (I.D.# 4209)

DAG:jvm

cc: Jeff Frock, St. Paul Travelers;
Claim No. GP09311302-19B002

\\15_A\LIAB\DAG\LLPG\295956JVM\19180\01660